

## REMARKS

Attached hereto is a Fee for an additional one (1) independent claim.

Claims 1-20 are all the claims presently pending in the application. Claims 1-18 are currently amended and new claims 19 and 20 added. No new matter is added to currently amended claims 1-18 or to new claims 19 and 20.

Claims 1-18 are currently amended to merely clarify the subject matter of the claims and in no way narrow the scope of the claims in order to overcome the prior art or for any other statutory purpose of patentability.

Notwithstanding any claim amendments of the present Amendment or those amendments that may be made later during prosecution, Applicant's intent is to encompass equivalents of all claim elements. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 6 and 13-18 stand rejected under 35 U.S.C. 112, second paragraph.

Claims 1 and 7 stand rejected under 35 U.S.C. 102(e) as anticipated by Jokimies, et al. (U.S. Patent No. 6,526,267 to Jokimies, et al. (hereinafter, Jokimies). Claims 2-6 and 8-18 stand rejected under 35 U.S.C. 103(a) as unpatentable over Jokimies in view of U.S. Patent No. 6,463,278 to Kraft, et al. (hereinafter, Kraft).

These rejections are respectfully traversed in the following discussion.

### I. THE CLAIMED INVENTION

The claimed invention, as described in independent claim 1, is directed to a radio communication terminal, which during a waiting operation, receives broadcast data from a plurality of base stations, that comprises a storing unit for storing broadcast data and reception levels received from the plurality of base stations, as registered data, when the radio communication terminal is located at a preset position, and comparing means for comparing, during the waiting operation, the broadcast data and the reception levels with the registered data in the storing unit.

The claimed invention, as further described in independent claim 2, is directed to a radio communication terminal, similar to that of claim 1, that comprises a setting means for setting, when the comparing means detects coincidence between the broadcast data and the

reception levels, and the registered data, a preset function corresponding to the pertinent the registered data.

The claimed invention, as further described in independent claim 3, is directed to a radio communication terminal, similar to that of claim 2, in which the preset function includes at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF.

The claimed invention, as further described in independent claim 4, is directed to a radio communication terminal, similar to that of claim 3, that comprises a setting means for restoring a preset default setting, when the comparing means does not detect coincidence between the broadcast data and the reception levels.

The claimed invention, as further described in independent claim 5, is directed to a radio communication terminal, similar to that of claim 4, in which the preset function includes at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF.

The claimed invention, as described in independent claim 7, is directed to an automatic setting method, which during a waiting operation, receives broadcast data from a plurality of base stations, that comprises storing, when the radio communication terminal is located at a preset position, broadcast data and reception levels received from the plurality of base stations, as registered data, and comparing, during the waiting operation, the broadcast data and the reception levels with the registered data, which is stored.

The claimed invention, as described in independent claim 8, is directed to an automatic setting method, similar to that of claim 7, that comprises setting a preset function corresponding to the registered data, when a coincidence between the broadcast data and the reception levels, and the registered data is detected.

The claimed invention, as described in independent claim 9, is directed to an automatic setting method, similar to that of claim 8, in which the preset function including at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF.

The claimed invention, as described in independent claim 10, is directed to an automatic setting method, similar to that of claim 9, in which the setting includes restoring a preset default setting, when the broadcast data and the reception levels are not coincident with

the registered data.

The claimed invention, as described in independent claim 11, is directed to an automatic setting method, similar to that of claim 10, in which the preset function includes at least one of a call arrival tone, a call arrival tone level, an out-of-home dealing function ON/OFF, and a call transfer function ON/OFF.

During a waiting period between received calls, the present invention allows a radio communication terminal to determine whether it is located at a preset position, e.g., home or office, during the waiting period, (Specification, page13, line 26 and Fig. 3) and to then automatically set a function, e.g., a call arrival tone and a call arrival tone level, for received calls when the radio communication terminal is located at such a preset position. Thus, for example, a user may set a call arrival tone to OFF at the office, in order to not receive personal calls. When at home, however, the user may, for example, set the call arrival tone ON to receive his personal calls. With his many trips to the office, the user need not worry that his terminal will "ring" with personal calls at the office, as the present invention, in this example, will automatically set the call arrival tone OFF, when the user is at the office.

When the radio communication terminal moves about, e.g., a trip from home to office, the received broadcast data and reception levels received from a plurality of base stations will frequently change, as the radio communication terminal moves from one base station's area to another. In this case, the radio communication terminal may automatically enter a high speed travel mode, i.e., one of several possible settings, that may prohibit reception of an arrived call during such a trip. Of course, the prohibition of receiving an arrived call during a trip (e.g., driving while speaking on a portable phone has been shown to be extremely hazardous) means that such a call may not be taken at that time, but may, for example, be transferred to another terminal, i.e., another function setting of the claimed invention, with a call answering function.

## II. THE PRIOR ART REJECTIONS

### A. Jokimies Reference

Jokimies discloses that at power-up and at the beginning of each call the mobile station checks its current location by comparing the data it receives with the home area definition data (col. 3, line 65 to col. 4, line 1). The mobile station also reports to the cellular

network whether the mobile station is within its home area (col. 4, lines 1-3). This is also indicated to the user by a message on the mobile station's display, by a photodiode and/or by a tone (col. 4, lines 3-5).

In some cases the mobile station's user can define his/her home area at a location which differs from the previous one, for instance due to changes in the cellular network (col. 4, lines 6-8). However, this is always reported to the operator, so that misuse of this feature is prevented (col. 4, lines 9-10).

Claims 1 and 7 recite at least the features of "comparing means for comparing, during said waiting operation, said broadcast data and said reception levels with said registered data in said storing unit" and "comparing, during said waiting operation, said broadcast data and said reception levels with said registered data," respectively.

The mobile station of Jokimies only checks its current location by comparing received data with its home area definition data at power-up and at the beginning of each outgoing call. This is so, because the aim of Jokimies invention is to assess local call tariffs and services for outgoing calls from the mobile station. In contrast, the present invention compares, during the waiting operation, i.e., the period between calls when the terminal receives broadcast data and reception levels from a plurality of base stations, the broadcast data and reception levels with registered data corresponding to a preset location, in order to set a function corresponding to the preset location for incoming or received calls.

Therefore, Jokimies does not disclose, teach, or suggest at least the features of "comparing means for comparing, during said waiting operation, said broadcast data and said reception levels with said registered data in said storing unit" and "comparing, during said waiting operation, said broadcast data and said reception levels with said registered data," as recited in claims 1 and 7.

For at least the reasons outlined above, Applicant respectfully submits that Jokimies does not disclose, teach, or suggest every feature of claims 1 and 7. Accordingly, Jokimies fails to anticipate, or to render obvious, the subject matter of claims 1 and 7. Withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. §102(e) as anticipated by Jokimies is respectfully solicited.

### **B. The Kraft Reference**

Kraft discloses that the mode assumed by a phone may be controlled by its position, real time and/or connection to accessories (col. 1, lines 60-62). Cordless phones and dual mode phones, connected to both a cellular system and a cordless system, will have rather precise information on their location through their knowledge of the base station, which provides coverage at the moment (col. 1, line 63 to col. 2, line 1). The user can define a phone setting mode and designate the control parameter as the ID of the cordless station, whereby the phone will assume this mode when it is covered by the base station concerned (col. 2, lines 6-10).

Claims 1 and 7 recite at least the features of "a storing unit for storing broadcast data and reception levels received from said plurality of base stations, as registered data, when said radio communication terminal is located at a preset position; comparing means for comparing, during said waiting operation, said broadcast data and said reception levels with said registered data" and "storing, when said radio communication terminal is located at a preset position, broadcast data and reception levels received from said plurality of base stations, as registered data; and comparing, during said waiting operation, said broadcast data and said reception levels with said registered data," respectively.

Nowhere does Kraft disclose, teach, or suggest when knowledge of the phone's position, which presumably corresponds to the claimed invention's radio communication terminal, is determined, e.g., at the initiation of a call. Hence, Kraft does not teach or suggest comparing, during said waiting operation, said broadcast data and said reception levels with said registered data, as described in claims 1 and 7.

In addition, Kraft discloses that a phone knows its position through a single base station with which it is connected at the moment. As such Kraft represents the conventional system disclosed in the Background section of the Application, and as such, would have many of the problems discussed therein. Nowhere does Kraft teach or suggest that the phone stores reception levels from a plurality of base stations, as registered data, at a preset position, and then compares reception levels received from the plurality of base stations to the stored registered data, as described in claims 1 and 7.

Kraft does not cure the deficiencies of Jokimies. As argued above, Jokimies does not disclose, teach, or suggest at least the features of "comparing means for comparing, during

said waiting operation, said broadcast data and said reception levels with said registered data in said storing unit" and "comparing, during said waiting operation, said broadcast data and said reception levels with said registered data," as recited in claims 1 and 7. Likewise, as argued directly above, Kraft does not teach or suggest comparing, during said waiting operation, said broadcast data and said reception levels with said registered data, as described in claims 1 and 7. Therefore, Jokimies and Kraft, either individually or in combination, do not teach or suggest every feature of claims 1 and 7. Accordingly, Jokimies and Kraft, either individually or in combination, fail to render obvious the subject matter of claims 1 and 7, and claims 2-6 and 8-18, which depend from claims 1 and 7, under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 2-6 and 8-18 under 35 U.S.C. §103(a) over Jokimies in view of Kraft is respectfully solicited.

### **III. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION**

Claims 6 and 13-18 stand rejected under 35 U.S.C. §112, second paragraph. The claims are amended, above, to particularly point out and distinctly claim the subject which the applicant regards as his invention.

In particular, claims 6 and 13-15 recite, "The radio communication terminal according to claim 2 (and claims 3-5, respectively), wherein said setting means sets a high speed travel mode that prohibits reception of an arrived call, when said broadcast data and said reception levels undergo frequent changes."

In particular, claims 12 and 16-18 recite, "The automatic function setting method according to claim 8 (and claims 9-11, respectively), wherein said setting sets a high speed travel mode that prohibits reception of an arrived call, when said broadcast data and said reception levels undergo frequent changes."

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 6 and 13-18 under 35 U.S.C. §112, second paragraph.

### **IV. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

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application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/4/03

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